

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS**

WACKER DRIVE EXECUTIVE SUITES,
LLC, on behalf of itself, individually, and
on behalf of all others similarly situated,

Plaintiff,

v.

JONES LANG LASALLE AMERICAS
(ILLINOIS), LP,

Defendant.

Case No. 1:18-cv-5492

Magistrate Judge Sunil R. Harjani

**DEFENDANT’S MOTION TO EXCLUDE
PROPOSED EXPERT TESTIMONY OF DR. ROBERT KAESTNER**

Defendant Jones Lang LaSalle Americas (Illinois), LP (“JLL”), by its attorneys, and pursuant to Rule 702 of the Federal Rules of Evidence and the principles set forth in *Daubert v. Merrell Dow Pharmaceuticals, Inc.*, 509 U.S. 579 (1993), moves to exclude the proposed expert testimony of Plaintiff Wacker Drive Executive Suites, LLC’s damages expert, Dr. Robert Kaestner. On June 10, 2020, pursuant to Local Rule 37.2 and Judge Harjani’s Meeting Requirement on Motions, counsel for JLL and Plaintiff conferred in good faith by telephone, but were not able to reach an agreement. In support of its Motion, JLL incorporates the Memorandum of Law filed herewith, and states as follows:

1. As a threshold matter, Dr. Kaestner’s damages opinion is not relevant to the extent it incorrectly presumes Plaintiff’s damages are wages paid to union labors.

2. Dr. Kaestner’s damages opinion is not reliable because he fails to offer any methodology to support his contention that the labor charges Plaintiff incurred for renovation and moving projects equate to the underlying wages paid to union laborers working on Plaintiff’s renovation and moving projects.

3. Dr. Kaestner's damages opinion is also not reliable because it depends on an assumption he admits is baseless: that there is equal productivity between union and nonunion labor.

WHEREFORE, JLL respectfully requests that this Honorable Court grant JLL's Motion and exclude the proposed expert testimony of Dr. Kaestner under Federal Rule of Evidence 702 and *Daubert*.

Dated: June 12, 2020

Respectfully submitted,

JONES LANG LASALLE AMERICAS
(ILLINOIS), LP

/s/ Scott T. Schutte

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CERTIFICATE OF SERVICE

I certify that on the 12th day of June 2020, a true and correct copy of the foregoing document was electronically filed with the Clerk of the Court using the Court's CM/ECF system, which will send notification to the following attorneys of record for Plaintiff:

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